

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

SHERMAN GRIFFIN,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 1:20-cv-00215-SRC
	)	
MISSOURI DEPARTMENT	)	
OF CORRECTIONS,	)	
	)	
Respondent.	)	

**Memorandum and Order**

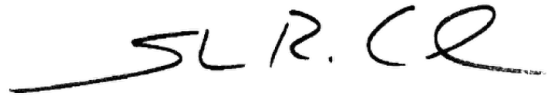
This matter comes before the Court on Petitioner Sherman Griffin’s [13] Motion to Appoint Magistrate Judge and Counsel. In civil cases, a pro se litigant does not have a constitutional or statutory right to appointed counsel. *Ward v. Smith*, 721 F.3d 940, 942 (8<sup>th</sup> Cir. 2013); *see also Stevens v. Redwing*, 146 F.3d 538, 546 (8<sup>th</sup> Cir. 1998) (stating that “[a] pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case”). Rather, a district court may appoint counsel in a civil case if the court is “convinced that an indigent [litigant] has stated a non-frivolous claim...and where the nature of the litigation is such that [the litigant] as well as the court will benefit from the assistance of counsel.” *Patterson v. Kelley*, 902 F.3d 845, 850 (8<sup>th</sup> Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8<sup>th</sup> Cir. 2006).

After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. Petitioner has demonstrated, at this point, that he can adequately present

his claims to the Court. The Court will entertain future motions for appointment of counsel as the case progresses, if appropriate. At this time the Court denies, without prejudice, Petitioner's [13] Motion to Appoint Counsel.

Petitioner also moves to appoint a magistrate judge. Doc. 13. Because the deadline has passed for Petitioner to consent to jurisdiction by magistrate judge, the Court denies the motion. *See* 28 U.S.C. 636; 18 U.S.C. 3401; E.D.Mo. L.R. 2.08(a).

So Ordered this 18th day of October, 2021.

A handwritten signature in black ink, appearing to read "SLR. CLARK", written over a horizontal line.

**STEPHEN R. CLARK**  
**UNITED STATES DISTRICT JUDGE**